

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 21, 2017

The Honorable Dan Patrick
Lieutenant Governor of Texas
Capitol Station
PO Box 12068
Austin, Texas 78711

Re: Responsibility of the Texas Commission on Environmental Quality (TCEQ) Pursuant to Article XVI, Section 59(d), Texas Constitution

Senate Bill (SB) 905, as Filed by Senator Brian Birdwell - Relating to the creation of the Cresson Crossroads Municipal Utility District No. 2; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

Dear Governor Patrick:

The following comments are provided pursuant to the Constitutional requirements referenced above. Under those requirements, the TCEQ must submit, to the Governor, Lieutenant Governor and Speaker of the House of Representatives, the TCEQ's recommendations on specific legislation affecting water districts. We recommend that these comments be considered in the evaluation of the proposed legislation.

Sincerely,

A handwritten signature in cursive script, reading "Cari-Michel LaCaille".

Cari-Michel LaCaille, Director
Water Supply Division

cc: Honorable Eddie Lucio, Jr., Chairman, Senate Intergovernmental Relations Committee
Senator Brian Birdwell, Texas Senate

Enclosure

SB 905, as Filed by Senator Brian Birdwell
Texas Commission on Environmental Quality's Comments

The Legislative Budget Board, in cooperation with the Texas Water Development Board (TWDB) and the Texas Commission on Environmental Quality (TCEQ), has determined that:

This bill creates Cresson Crossroads Municipal Utility District No. 2 (District) with the powers and duties of a standard municipal utility district under Water Code Chapters 49 and 54.

Comments on Powers/Duties Different from Similar Types of Districts: This bill grants the District authority for road projects; the bill allows the District to divide as prescribed by the procedures of Sections 53.030 through 53.041, Water Code, and only if the District has no outstanding bonded debt and is not imposing ad valorem taxes, as specified in 53.029(b), Water Code, the bill specifies that at the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of real property in the District; and if the bill does not receive a two-thirds vote of all members elected to each house, the District may not exercise the power of eminent domain.

Overlapping Services: TCEQ does not have mapping information for water and/or wastewater providers because this function was transferred from the TCEQ to the Public Utility Commission on September 1, 2014. As a result, TCEQ is unaware of possible overlapping service providers.

TCEQ's Supervision: As with general law districts, the TCEQ will have general supervisory authority, including bond review authority and review of financial reports.

Bill Number


Texas Commission on Environmental Quality

By: Birdwell

S.B. No. 905

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Cresson Crossroads Municipal Utility District No. 2; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7968 to read as follows:

CHAPTER 7968. CRESSON CROSSROADS MUNICIPAL UTILITY DISTRICT NO. 2

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7968.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Cresson Crossroads Municipal Utility District No. 2.

Sec. 7968.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7968.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

1 Sec. 7968.004. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section 7968.003
3 until each municipality in whose corporate limits or
4 extraterritorial jurisdiction the district is located has
5 consented by ordinance or resolution to the creation of the
6 district and to the inclusion of land in the district.

7 Sec. 7968.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
8 The district is created to serve a public purpose and benefit.

9 (b) The district is created to accomplish the purposes of:

10 (1) a municipal utility district as provided by
11 general law and Section 59, Article XVI, Texas Constitution; and

12 (2) Section 52, Article III, Texas Constitution, that
13 relate to the construction, acquisition, improvement, operation,
14 or maintenance of macadamized, graveled, or paved roads, or
15 improvements, including storm drainage, in aid of those roads.

16 Sec. 7968.006. INITIAL DISTRICT TERRITORY. (a) The
17 district is initially composed of the territory described by
18 Section 2 of the Act enacting this chapter.

19 (b) The boundaries and field notes contained in Section 2 of
20 the Act enacting this chapter form a closure. A mistake made in the
21 field notes or in copying the field notes in the legislative process
22 does not affect the district's:

23 (1) organization, existence, or validity;

24 (2) right to issue any type of bond for the purposes
25 for which the district is created or to pay the principal of and
26 interest on a bond;

27 (3) right to impose a tax; or

1 (4) legality or operation.

2 SUBCHAPTER B. BOARD OF DIRECTORS

3 Sec. 7968.051. GOVERNING BODY; TERMS. (a) The district is
4 governed by a board of five elected directors.

5 (b) Except as provided by Section 7968.052, directors serve
6 staggered four-year terms.

7 Sec. 7968.052. TEMPORARY DIRECTORS. (a) The temporary
8 board consists of:

9 (1) Randy Price;

10 (2) Cliff May;

11 (3) Derek Tanner;

12 (4) Michael Hooser; and

13 (5) Aaron Grant.

14 (b) Temporary directors serve until the earlier of:

15 (1) the date permanent directors are elected under
16 Section 7968.003; or

17 (2) the fourth anniversary of the effective date of
18 the Act enacting this chapter.

19 (c) If permanent directors have not been elected under
20 Section 7968.003 and the terms of the temporary directors have
21 expired, successor temporary directors shall be appointed or
22 reappointed as provided by Subsection (d) to serve terms that
23 expire on the earlier of:

24 (1) the date permanent directors are elected under
25 Section 7968.003; or

26 (2) the fourth anniversary of the date of the
27 appointment or reappointment.

1 (d) If Subsection (c) applies, the owner or owners of a
2 majority of the assessed value of the real property in the district
3 may submit a petition to the commission requesting that the
4 commission appoint as successor temporary directors the five
5 persons named in the petition. The commission shall appoint as
6 successor temporary directors the five persons named in the
7 petition.

8 SUBCHAPTER C. POWERS AND DUTIES

9 Sec. 7968.101. GENERAL POWERS AND DUTIES. The district has
10 the powers and duties necessary to accomplish the purposes for
11 which the district is created.

12 Sec. 7968.102. MUNICIPAL UTILITY DISTRICT POWERS AND
13 DUTIES. The district has the powers and duties provided by the
14 general law of this state, including Chapters 49 and 54, Water Code,
15 applicable to municipal utility districts created under Section 59,
16 Article XVI, Texas Constitution.

17 Sec. 7968.103. AUTHORITY FOR ROAD PROJECTS. Under Section
18 52, Article III, Texas Constitution, the district may design,
19 acquire, construct, finance, issue bonds for, improve, operate,
20 maintain, and convey to this state, a county, or a municipality for
21 operation and maintenance macadamized, graveled, or paved roads, or
22 improvements, including storm drainage, in aid of those roads.

23 Sec. 7968.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road
24 project must meet all applicable construction standards, zoning and
25 subdivision requirements, and regulations of each municipality in
26 whose corporate limits or extraterritorial jurisdiction the road
27 project is located.

1 (b) If a road project is not located in the corporate limits
2 or extraterritorial jurisdiction of a municipality, the road
3 project must meet all applicable construction standards,
4 subdivision requirements, and regulations of each county in which
5 the road project is located.

6 (c) If the state will maintain and operate the road, the
7 Texas Transportation Commission must approve the plans and
8 specifications of the road project.

9 Sec. 7968.105. COMPLIANCE WITH MUNICIPAL REGULATIONS. Any
10 water, sanitary sewer, road, drainage, or other infrastructure or
11 public facilities constructed, acquired, improved, maintained, or
12 operated by the district shall comply with any subdivision or other
13 applicable regulations of any municipality in whose corporate
14 limits or extraterritorial jurisdiction the infrastructure or
15 public facilities are located unless other regulations are
16 specified in a development agreement between the district and the
17 municipality.

18 Sec. 7968.106. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
19 OR RESOLUTION. The district shall comply with all applicable
20 requirements of any ordinance or resolution that is adopted under
21 Section 54.016 or 54.0165, Water Code, and that consents to the
22 creation of the district or to the inclusion of land in the
23 district.

24 Sec. 7968.107. DIVISION OF DISTRICT. (a) The original
25 district or any lands added to the district may be divided into two
26 or more new districts in the manner specified by Section 53.029(b),
27 Water Code, only if the district:

1 (1) has no outstanding bonded debt; and

2 (2) is not imposing ad valorem taxes.

3 (b) The division procedure is prescribed by Sections 53.030
4 through 53.041, Water Code.

5 (c) Any new district created by the division of the district
6 has all the powers and duties of the district and is subject to the
7 limitations and conditions of this chapter.

8 (d) At the time of creation, any new district created by the
9 division of the district may not contain any land that is not
10 contiguous to the area described by Section 2 of the Act enacting
11 this chapter.

12 (e) A division of the district may not occur until each
13 home-rule municipality in whose corporate limits or
14 extraterritorial jurisdiction the district or any proposed
15 district is located has adopted a resolution consenting to the
16 division.

17 Sec. 7968.108. ASSESSMENTS. (a) The district may impose an
18 assessment on property in the district to pay for an improvement
19 project authorized by Section 7968.102 or 7968.103 or an obligation
20 described by Section 7968.151 in the manner provided for:

21 (1) a district under Subchapters A, E, and F, Chapter
22 375, Local Government Code; or

23 (2) a municipality or county under Subchapter A,
24 Chapter 372, Local Government Code.

25 (b) The district may impose an assessment for any district
26 operation and maintenance or authorized improvement or
27 supplemental service, including public safety services, in the

1 manner provided for:

2 (1) a district under Subchapters A, E, and F, Chapter
3 375, Local Government Code; or

4 (2) a municipality or county under Subchapter A,
5 Chapter 372, Local Government Code.

6 (c) The district may not impose an assessment on a
7 municipality, county, or other political subdivision.

8 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

9 Sec. 7968.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
10 district may issue, without an election, bonds and other
11 obligations secured by:

12 (1) revenue other than ad valorem taxes; or

13 (2) contract payments described by Section 7968.153.

14 (b) The district must hold an election in the manner
15 provided by Chapters 49 and 54, Water Code, to obtain voter approval
16 before the district may impose an ad valorem tax or issue bonds
17 payable from ad valorem taxes.

18 (c) The district may not issue bonds payable from ad valorem
19 taxes to finance a road project unless the issuance is approved by a
20 vote of a two-thirds majority of the district voters voting at an
21 election held for that purpose.

22 Sec. 7968.152. OPERATION AND MAINTENANCE TAX. (a) If
23 authorized at an election held under Section 7968.151, the district
24 may impose an operation and maintenance tax on taxable property in
25 the district in accordance with Section 49.107, Water Code.

26 (b) The board shall determine the tax rate. The rate may not
27 exceed the rate approved at the election.

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1 (c) Section 49.107(f), Water Code, does not apply to
2 reimbursements for projects constructed or acquired under Section
3 7968.103.

4 Sec. 7968.153. CONTRACT TAXES. (a) In accordance with
5 Section 49.108, Water Code, the district may impose a tax other than
6 an operation and maintenance tax and use the revenue derived from
7 the tax to make payments under a contract after the provisions of
8 the contract have been approved by a majority of the district voters
9 voting at an election held for that purpose.

10 (b) A contract approved by the district voters may contain a
11 provision stating that the contract may be modified or amended by
12 the board without further voter approval.

13 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

14 Sec. 7968.201. AUTHORITY TO ISSUE BONDS AND OTHER
15 OBLIGATIONS. The district may issue bonds or other obligations
16 payable wholly or partly from ad valorem taxes, impact fees,
17 revenue, contract payments, grants, or other district money, or any
18 combination of those sources, to pay for any authorized district
19 purpose.

20 Sec. 7968.202. TAXES FOR BONDS. At the time the district
21 issues bonds payable wholly or partly from ad valorem taxes, the
22 board shall provide for the annual imposition of a continuing
23 direct ad valorem tax, without limit as to rate or amount, while all
24 or part of the bonds are outstanding as required and in the manner
25 provided by Sections 54.601 and 54.602, Water Code.

26 Sec. 7968.203. BONDS FOR ROAD PROJECTS. At the time of
27 issuance, the total principal amount of bonds or other obligations

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1 issued or incurred to finance road projects and payable from ad
2 valorem taxes may not exceed one-fourth of the assessed value of the
3 real property in the district.

4 SECTION 2. The Cresson Crossroads Municipal Utility
5 District No. 2 initially includes all the territory contained in
6 the following area:

7 Field notes for:(TRACT 1)

8 Part of the NANCY SMITH SURVEY, Abstract No. 512 situated in Hood
9 County, Texas; embracing a portion of the 744-672/1000 acres tract
10 described in the deed to Cresson Crossroads LLC, recorded in volume
11 2225, page 263 of the Real Records of Hood County, Texas and all of
12 Lots 6, 7, 8, 9, 12, 13, 16, 18,19 and Reserve No. 1 of CRESSON
13 CROSSROADS PHASE ONE, an Addition to the City of Cresson, Hood
14 County, Texas according to the plat thereof recorded in Slide C-126
15 of the Plat Records of Hood County, Texas and a portion of Lot 4-R of
16 CRESSON CROSSROADS PHASE ONE, an Addition to the City of Cresson,
17 Hood County, Texas according to the RePlat thereof recorded in
18 Slide C-276 of the Plat Records, and all of Lot 10R-2 of CRESSON
19 CROSSROADS PHASE ONE, an Addition to the City of Cresson, Hood
20 County, Texas according to the plat thereof recorded in Slide C-323
21 of the Plat Records and described by metes and bounds as follows:

22 The bearings and coordinate positions are per the Texas Coordinate
23 System North Central Zone Nad 83 (1993).

24 Beginning at a 1/2" iron for the southwest corner of the said
25 744-672/1000 acres tract, and in the north line of Old Granbury
26 Road.

27 Thence northeasterly along the most southerly west line of the said

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1 744-672/1000 acres tract the following:
2 north 00 degrees-51 minutes-58 seconds east 1884-49/100
3 feet;
4 north 00 degrees-06 minutes-08 seconds east 1700-36/100 feet
5 to a 6" steel fence corner for a reentrant corner of the said
6 744-672/1000 acres tract.
7 Thence southwesterly along the most westerly south line of the said
8 744-672/1000 acres tract the following:
9 south 73 degrees-35 minutes-07 seconds west 3997-93/100 feet
10 to a 5/8" iron,
11 south 67 degrees-31 minutes-39 seconds west 94-23/100 feet to
12 a 6" steel fence corner for the most westerly southwest
13 corner of the said 744-672/1000 acres tract.
14 Thence north 00 degrees-21 minutes-27 seconds east, along the west
15 line of said 744-672/1000 acres tract, to and along the west line of
16 said CRESSON CROSSROADS PHASE ONE,
17 5527-54/100 feet.
18 Thence 62 degrees-28 minutes-48 seconds east 885-75/100 feet to the
19 easterly line of said Lot 4-R, and the westerly line of Hughie Long
20 Road.
21 Thence southwesterly and southeasterly, along the easterly line of
22 said Lot 4-R and the westerly line of said Hughie Long Road, to and
23 along the easterly line of said 6, 7, 8, and 9, the following:
24 south 27 degrees-53 minutes-51 seconds west 190-82/100 feet
25 to the beginning of a curve to the left having a radius of
26 1030 feet;
27 along said curve to the left an arc length of 495-08/100 feet

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1 to its end. The long chord of said 495-08/100 feet arc is
2 south 14 degrees-07 minutes-39 seconds west 490-33/100 feet;
3 south 00 degrees-21 minutes-27 seconds west 644-28/100 feet
4 to the beginning of a curve to the left having a radius of 530
5 feet;
6 along said curve to the left an arc length of 479-16/100 feet
7 to the northeasterly corner of said Lot 9. The long chord of
8 said 479-16/100 feet arc is south 25 degrees-32 minutes-35
9 seconds east 463-01 /100 feet.
10 Thence south 19 degrees-25 minutes-35 seconds west, along the
11 easterly line of said Lot 9, a distance of 440-69/100 feet to the
12 northwest corner of said Lot 10R-2.
13 Thence south 81 degrees-24 minutes-47 seconds east, along the
14 northerly line of said Lot 10R-2, a distance of 317-64/100 feet to
15 the northeasterly corner of said Lot 10R-2, in the west
16 right-of-way of Cantrell Court.
17 Thence south 08 degrees-35 minutes-11 seconds west, along the
18 easterly line of said Lot 10R-2, and the westerly right-of-way of
19 said Cantrell Court, 269-80/100 feet to the southeast corner of
20 said Lot 10R-2, and the southwest end of said Cantrell Court, in the
21 south line of said CRESSON CROSSROADS PHASE ONE.
22 Thence north 82 degrees-58 minutes-22 seconds east, along the south
23 line of said said Lot 10R-2, and the southwest end of said Cantrell
24 Court, in the south line of said CRESSON CROSSROADS PHASE ONE,
25 517-53/100 feet to the southwest corner of said Lot 12 and the
26 southeast corner of Lot 11 of said CRESSON CROSSROADS PHASE ONE.
27 Thence north 07 degrees-01 minute-38 seconds west, along the common

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1 line of said Lots 11 and 12, a distance of 580-80/100 feet to the
2 northwest corner of said Lot 12, in the south right-of-way of said
3 Hughie Long Road.
4 Thence north 82 degrees-58 minutes-22 seconds east, along the north
5 line of said Lot 12, and the south right-of-way of said Hughie Long
6 Road, to and along the north line of said Lot 13, and said Reserve
7 No. 1, a distance of 1146-33/100 feet to the northeast corner of
8 said Reserve No. 1.
9 Thence south 07 degrees-01 minute-38 seconds east, along the east
10 line of said Reserve No. 1, a distance of 580-80/100 feet to the
11 southeast corner of said Reserve No. 1, in the south line of said
12 CRESSON CROSSROADS PHASE ONE.
13 Thence north 82 degrees-58 minutes-22 seconds east, along the south
14 line of said CRESSON CROSSROADS PHASE ONE, 1009-41/100 feet to the
15 southeast corner of Lot 15R-2R2 of CRESSON CROSSROADS PHASE ONE,
16 according to the plat thereof recorded in Slide P-462 of the said
17 Plat Records, in the west right-of-way of Glascock Drive.
18 Thence south 23 degrees-54 minutes-25 seconds east, along a
19 southwesterly line of said CRESSON CROSSROADS PHASE ONE, 83-16/100
20 feet to the west line of said Lot 16, and the east right-of-way of
21 said Glascock Drive.
22 Thence north 22 degrees-16 minutes-14 seconds east, along the west
23 line of said Lot 16, and the easterly line of said Glascock Drive,
24 122-73/100 feet to the northwest corner of said Lot 16, at the
25 intersection of the easterly line of said Glascock Drive, and the
26 southerly right-of-way of said Hughie Long Road, in a curve to the
27 left having a radius of 1030 feet.

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1 Thence southeasterly, along the north line of said Lot 16, and the
2 south right-of-way of said Hughie Long Road, along said curve to the
3 left an arc length of 231-22/100 feet to the northeast corner of
4 said Lot 16, and the northwest corner of Lot 17 of said CRESSON
5 CROSSROADS PHASE ONE. The long chord of said 231-22/100 feet arc is
6 south 75 degrees-49 minutes-46 seconds east 230-73/100 feet.
7 Thence south 00 degrees-13 minutes-12 seconds west, along the
8 common line of said Lots 16 and 17, a distance of 335-09/100 feet to
9 the southeast corner of said Lot 16, and the southwest corner of
10 said Lot 17, in the south line of said CRESSON CROSSROADS PHASE ONE.
11 Thence southeasterly, along the south line of said Lot 17, and the
12 south line of said CRESSON CROSSROADS PHASE ONE, the following:
13 south 89 degrees-46 minutes-48 seconds east 39-87/100 feet;
14 north 82 degrees-58 minutes-22 seconds east 279-18/100 feet
15 to the southeast corner of said Lot 17, and the southwest
16 corner of said Lot 18.
17 Thence north 07 degrees-01 minute-38 seconds west, along the common
18 line of said Lots 17 and 18, a distance of 303-42/100 feet to the
19 northwest corner of said Lot 18, in the southerly right-of-way of
20 said Hughie Long Road.
21 Thence northeasterly and southeasterly, along the north line of
22 said Lot 18, and the southerly right-of-way of said Hughie Long
23 Road, to and along the north line of said Lot 19, the following:
24 north 82 degrees-58 minutes-22 seconds east 550-88/100 feet
25 to the beginning of a curve to the right having a radius of
26 270 feet;
27 along said curve to the right an arc length of 164-58/100 feet

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1 to its end. The long chord of said 164-58/100 feet arc is
2 south 79 degrees-33 minutes-53 seconds east 162-04/100 feet.
3 south 62 degrees-06 minutes-09 seconds east 5-06/100 feet to
4 the northeast corner of said Lot 19, at the intersection of
5 the southerly right-of-way of said Hughie Long Road, and the
6 westerly right-of-way of Slocum Ranch Road.
7 Thence southwesterly, along the easterly line of said Lot 19, and
8 the westerly right-of-way of said Slocum Ranch Road, the following:
9 south 27 degrees-42 minutes-02 seconds west 30-82/100 feet to
10 the beginning of a curve to the left having a radius of 2100
11 feet;
12 along said curve to the left an arc length of 264-83/100 feet
13 to the southeast corner of said Lot 19 and the southwest
14 corner of said Slocum Ranch Road. The long chord of said
15 264-83/100 feet arc is south 24 degrees-05 minutes-17 seconds
16 west 264-65 /100 feet.
17 Thence south 69 degrees-31 minutes-29 seconds east, along the south
18 line of said Slocum Ranch Road, 100-00/100 feet to the east line of
19 Slocum Ranch Road, and the beginning of a curve to the right having
20 a radius of 2000-00/100 feet.
21 Thence northeasterly along the said east line of Slocum Ranch Road,
22 and said curve to the right an arc length of 252-21/100 feet; the
23 long chord of the said 252-21/100 feet arc is north 24 degrees-05
24 minutes-17 seconds east 252-04/100 feet.
25 Thence north 27 degrees-42 minutes-02 seconds east, along the said
26 east line of Slocum Ranch Road, 630-29/100 feet to the north line of
27 the said 744-672/1000 acres tract, and the south line of State

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1 Highway No. 171.
2 Thence south 62 degrees-07 minutes-00 seconds east, along the said
3 north line of the 744-672/1000 acres tract, and the said south line
4 of State Highway No. 171, 2140-45/100 feet to the most northerly
5 northeast corner of the said 744-672/1000 acres tract.
6 Thence southerly, then northwesterly, then southerly along the
7 easterly line of the said 744-672/1000 acres tract the following:
8 south 30 degrees-48 minutes-16 seconds west 131-94/100 feet;
9 south 50 degrees-55 minutes-01 second east 175-29/100 feet;
10 south 35 degrees-08 minutes-10 seconds west 508-28/100 feet;
11 north 55 degrees-45 minutes-14 seconds west 59-45/100 feet;
12 south 35 degrees-31 minutes-08 seconds west 207-72/100 feet;
13 south 53 degrees-39 minutes-22 seconds east 149-78/100 feet;
14 south 35 degrees-50 minutes-43 seconds west 248-84/100 feet;
15 south 53 degrees-35 minutes-36 seconds east 412-81/100 feet
16 to the northeast corner of the 2-245/1000 acres tract
17 described in the deed to Betty L. Henson Family Partnership,
18 L.P., recorded in volume 2508, page 712 of the said Real
19 Records, and the beginning of a curve to the right having a
20 radius of 224-00/100 feet.
21 Thence southwesterly along the northwesterly line of the said
22 2-245/1000 acres tract, and said curve to the right an arc length of
23 206-71/100 feet; the long chord of the said 206-71/100 feet arc is
24 south 63 degrees-04 minutes-17 seconds west 199-46/100 feet.
25 Thence southerly along the said northwesterly line of the
26 2-245/1000 acres tract, to and along the northwesterly line, and
27 the southwesterly of Lot 1, Phase 2, CRESSON CROSSROADS, according

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1 to the plat thereof recorded in Slide C-223 of the said Plat Records
2 the following:

3 south 89 degrees-30 minutes-30 seconds west 62-17/100 feet;
4 south 32 degrees-28 minutes-47 seconds west 113-40/100 feet;
5 south 00 degrees-59 minutes-04 seconds west 372-43/100 feet;
6 south 35 degrees-28 minutes-40 seconds west 203-06/100 feet
7 to the northerly corner of said Lot 1;
8 south 35 degrees-55 minutes-50 seconds west 338-42/100 feet
9 to the westerly corner of said Lot 1;
10 south 54 degrees-04 minutes-10 seconds east 260-72/100 feet
11 to the easterly line of the said 744-672/1000 acres tract,
12 and southerly corner of said Lot, 1, and in the west line of
13 U.S. Highway No. 377.

14 Thence southwesterly along the said easterly line of the
15 744-672/1000 acres tract, and the said west line of U.S. Highway
16 No. 377, the following:

17 south 35 degrees-14 minutes-38 seconds west 501-06/100 feet;
18 south 35 degrees-00 minutes-14 seconds west 165-65/100 feet;
19 south 35 degrees-30 minutes-36 seconds west 614-77/100 feet;
20 south 41 degrees-55 minutes-26 seconds west 403-69/100 feet;
21 south 34 degrees-08 minutes-17 seconds west 200-11/100 feet;
22 south 29 degrees-40 minutes-57 seconds west 318-73/100 feet;
23 south 28 degrees-50 minutes-42 seconds west 172-82/100 feet
24 south 32 degrees-49 minutes-34 seconds west 508-28/100 feet;
25 south 60 degrees-56 minutes-28 seconds west 175-64/100 feet
26 to the most southerly southeast corner of the said
27 744-672/1000 acres tract in the north line of Old Granbury

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1 Road.

2 Thence south 89 degrees-25 minutes-07 seconds west, along the south

3 line of the said 744-672/1000 acres tract, and the said north line

4 of Old Granbury Road, 953-56/100 feet to the Beginning and

5 containing 561-055/1000 acres.

6 Compiled on December 17, 2016 from Real Records, and Plat Records of

7 Hood County, Texas, and some previous surveys.

8 Field notes for: (TRACT 2)

9 All of Lot 40 of CRESSON CROSSROADS PHASE ONE, an Addition to the

10 City of Cresson, Hood County, Texas according to the plat thereof

11 recorded in Slide C-126 of the Plat Records of Hood County, Texas

12 and all of Lot 41-R of CRESSON CROSSROADS PHASE ONE, an Addition to

13 the City of Cresson, Hood County, Texas according to the plat

14 thereof recorded in Slide C-350 of the said Plat Records, and

15 described by metes and bounds as follows:

16 Beginning at the northwesterly corner of said Lot 40 at the

17 intersection of the southwesterly right-of-way of State Highway

18 No. 171, and the southeasterly right-of-way of Hughie Long Road.

19 Thence south 62 degrees-06 minutes-59 seconds east, along the

20 northeasterly line of said Lot 40, and the southwesterly

21 right-of-way of said State Highway No. 171, to and along the

22 northeasterly line of said Lot 41-R, a distance of 422-10/100 feet

23 to the northeasterly corner of said Lot 41-R.

24 Thence south 27 degrees-53 minutes-51 seconds west, along the

25 southeasterly line of said Lot 41-R, a distance of 309-72/100 feet

26 to the southeasterly corner of said Lot 41-R, in the northeasterly

27 line of Lot 39 of said CRESSON CROSSROADS PHASE ONE.

S.B. No. 905

1 Thence north 62 degrees-06 minutes-59 seconds west, along the
2 southwesterly line of said Lot 41-R, and the northeasterly line of
3 said lot 39, to and along the southwesterly line of said Lot 40, a
4 distance of 422-10/100 feet to the southwesterly corner of said Lot
5 40, in the easterly right-of-way of said Hughie Long Road.

6 Thence north 27 degrees-53 minutes-51 seconds east, along the
7 westerly line of said Lot 40, and the easterly right-of-way of said
8 Hughie Long Road, 309-72/100 feet to the place of beginning and
9 containing 3-001/1000 acres.

10 Compiled on December 16, 2016 from Real Records, and Plat Records of
11 Hood County, Texas, and some previous surveys.

12 SECTION 3. (a) The legal notice of the intention to
13 introduce this Act, setting forth the general substance of this
14 Act, has been published as provided by law, and the notice and a
15 copy of this Act have been furnished to all persons, agencies,
16 officials, or entities to which they are required to be furnished
17 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
18 Government Code.

19 (b) The governor, one of the required recipients, has
20 submitted the notice and Act to the Texas Commission on
21 Environmental Quality.

22 (c) The Texas Commission on Environmental Quality has filed
23 its recommendations relating to this Act with the governor, the
24 lieutenant governor, and the speaker of the house of
25 representatives within the required time.

26 (d) All requirements of the constitution and laws of this
27 state and the rules and procedures of the legislature with respect

S.B. No. 905

1 to the notice, introduction, and passage of this Act are fulfilled
2 and accomplished.

3 SECTION 4. (a) If this Act does not receive a two-thirds
4 vote of all the members elected to each house, Subchapter C, Chapter
5 7968, Special District Local Laws Code, as added by Section 1 of
6 this Act, is amended by adding Section 7968.109 to read as follows:

7 Sec. 7968.109. NO EMINENT DOMAIN POWER. The district may
8 not exercise the power of eminent domain.

9 (b) This section is not intended to be an expression of a
10 legislative interpretation of the requirements of Section 17(c),
11 Article I, Texas Constitution.

12 SECTION 5. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2017.

AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS

COUNTY OF Hood

§
§
§


BEFORE ME, the undersigned authority on this day personally appeared Rick Craig of The Hood County News, who, being by me duly sworn, upon oath deposes and says:

That Hood County News is a newspaper published for the County of Hood, Texas and is of general circulation within Cresson, Texas, and that the attached "NOTICE OF INTENT TO INTRODUCE LEGISLATION" was published in said newspaper in its issue of

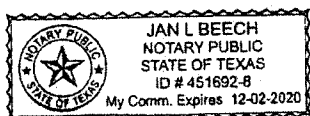
December 24, 2016:

and said newspaper is a newspaper that complies with the provisions of Section 2051.044, Texas Government Code, in that:

- (1) it devotes not less than twenty-five percent (25%) of its total column lineage to general interest items,
- (2) it is published not less frequently than once each week,
- (3) it is entered as second-class postal matter in the county where it is published, and
- (4) it has been published regularly and continuously for not less than twelve (12) months prior to the date of the first publication of the "NOTICE OF INTENT TO INTRODUCE LEGISLATION."


Title: Manager

SWORN TO AND SUBSCRIBED BEFORE ME, this the 27th day of December, 2016.



(Notary Seal)


Notary Public, State of Texas

